

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Gerald Comer,	)	C/A No.: 0:08-CV-228-JFA
	)	
Plaintiff,	)	
	)	
v.	)	
	)	<b>ORDER</b>
Life Insurance Company of America,	)	
	)	
Defendants.	)	
<hr/>	)	

The court previously approved the class settlement in this matter on March 31, 2011, and the class counsel has distributed the proceeds of this action to the class members. Of the eighty-three checks mailed to the class members, six have not been cashed, and despite class counsel's best efforts, the following individuals cannot be located:

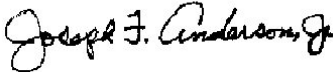
1	Evelyn B.	\$ 11,438.34
2	Wofford B.	\$ 6,617.32
3	Estate of James M.	\$ 166.35
4	Lonnie K.	\$ 31,760.27
5	James T.	\$ 3,633.73
6	Francena V.	\$ 2,338.46
TOTAL:		\$ 55,954.52

Pursuant to South Carolina Uniform Unclaimed Property Act, S.C. Code Ann. §§ 27-18-10 – 400, class counsel moves the court for an order allowing him to hold these unclaimed funds in trust until March 31, 2016, which is five years from the court's final

order in this case. *See* S.C. Code Ann. § 27-18-130(A). If, after five years, some or all of the individuals listed above have failed to claim their damages in this case, class counsel asks the court for permission to pay any remaining unclaimed funds to the South Carolina Treasurer, pursuant to the Uniform Unclaimed Property Act. Having considered the motion, the court approves the class counsel's request. He is ordered to hold these funds in trust for those individuals named in this order until March 31, 2016, and after that time, he is permitted to pay to the South Carolina Treasurer any money that remains unclaimed. Of course, if the proper claimant makes a demand of payment from class counsel during this five-year period, class counsel should pay those funds on demand. Class counsel further moves the court for approval to make a cy pres distribution of \$1,150.93 of unspent expense funds, which are currently held in trust, to the South Carolina Bar Foundation. Because the costs of attempting to disburse this money makes doing so economically unjustifiable, the court grants class counsel's motion in this respect as well.

IT IS SO ORDERED.

July 27, 2011  
Columbia, South Carolina

  
Joseph F. Anderson, Jr.  
United States District Judge